

# Notice of Allowability

Application No.

10/661,327

Examiner

Robert G. Santos

Applicant(s)

KUCHEL, BERNHARD W.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the papers filed on 12/13/04 & on 12/17/04 and the telephonic interview held on 3/03/05.
2. ☒ The allowed claim(s) is/are 1, 3, 4, 7, 8, 11, 12, 14 and 17-21, now renumbered as claims 1-13.
3. ☒ The drawings filed on 12 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

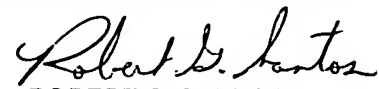
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 12172004
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 03032005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

  
**ROBERT G. SANTOS**  
**PRIMARY EXAMINER**

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with J. Steven Baughman on March 3, 2005.

The application has been amended as follows:

- 1) Claims 5, 6, 9 and 10 have been cancelled.
- 2) In the first line of claim 12: The phrase "--according to claim 14 wherein one or more of the--" has been inserted after the term "mattress", the phrase "comprising a plurality of spring coils, each" has been deleted, and the term "coil" has been changed to "--coils--".
- 3) In the second line of claim 12: The term "having" has been changed to "--has--".
- 4) In claim 12, lines 3-6: The phrase " , the convex longitudinal taper having a radius of curvature that monotonically decreases from the bottom of the spring coil to the top of the spring coil., wherein each spring coil is unattached to adjacent spring coils along a top half of that spring coil" has been deleted.
- 5) In claim 21, line 7: The term "portion" has been changed to "--half--".

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2. The following is an examiner's statement of reasons for allowance: The examiner respectfully asserts that none of the prior art, taken either singly or in combination, is seen to teach or suggest the use of a mattress comprising a plurality of spring coils, each spring coil having a top with a first width, a middle with a second width, and a bottom with a third width, each spring coil also having a longitudinal taper such that the third width of the bottom is *substantially equal* to the second width of the middle and the first width of the top is *smaller* than the second width of the middle, wherein each spring coil is unattached to adjacent spring coils *along a top half* of that spring coil, as explicitly recited in Applicant's independent claims 1, 19 and 21. Moreover, the examiner respectfully asserts that none of the prior art, taken either singly or in combination, is seen to teach or suggest the use of a mattress comprising a plurality of spring coils each having a top and a bottom, the plurality of spring coils arranged adjacent to one another to form a planar top surface along the tops thereof and a planar bottom surface along the bottoms thereof, a third planar surface forming a center line between the planar top and bottom surfaces, the plurality of spring coils maintained in fixed relation to one another *below the center line* such that the top of each one of the plurality of spring coils may move independently perpendicular to the top planar surface with respect to each other one of the plurality of spring coils, wherein each one of the plurality of spring coils is *encased in a pocket and has a bottom portion attached with an adhesive* as recited in Applicant's independent claims 14 and 17. With regards to the cited prior art, both the Moser et al. '820 and Owen '158 patents are considered to disclose the use of a mattress comprising a plurality of spring coils that are connected to each other at points located along the respective top halves of the spring coils, whereas the Pleet '961 reference does not actually teach the use of a plurality of spring coils but instead discloses a

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plurality of spring elements having coiled portions. Furthermore, although Mossbeck et al. '122 are considered to teach the use of pocketed coils joined together by an adhesive applied to areas of the coils spaced from the respective top and bottom ends of the coils, the reference still does not teach the limitation of attaching adjacent spring coils only along their respective bottom halves as claimed by Applicant. Since an updated search of the prior art did not yield any other references pertinent to Applicant's claims, it is considered that the application is currently in full and proper condition for allowance.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (703) 308-7469. The examiner can normally be reached on Tues-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Robert G. Santos  
Primary Examiner  
Art Unit 3673

R.S.  
March 3, 2005